

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS**

LOEB PROPERTIES, INC.,)
)
Plaintiff,) **No. _____**
)
vs.)
)
FEDERAL INSURANCE COMPANY,)
)
Defendant.)

NOTICE OF AND PETITION FOR REMOVAL

Comes now the Defendant, Federal Insurance Company ("Federal"), pursuant to 28 U.S.C. § 1446, and files this Notice of and Petition for Removal of the above-styled case originally filed by the Plaintiff in the Chancery Court for Shelby County, Tennessee. As grounds, Federal would state as follows.

1. On January 11, 2008, the Plaintiff filed a Complaint against Federal in the Chancery Court for Shelby County, Tennessee. The service of the Summons and the Complaint on the Defendant was procured through the State of Tennessee Department of Commerce and Insurance on or about January 24, 2008.

2. Attached hereto as **Exhibit A** is a copy of the Summons and the Complaint, which constitute all process, pleadings, orders, and other papers filed with the Shelby County Chancery Court that have been served upon Federal.

3. As alleged in the Complaint, the Plaintiff is a Tennessee corporation with its principal place of business in Memphis, Tennessee.

4. Federal is an Indiana corporation with its principal place of business in Warren, New Jersey.

5. This is a civil action over which this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a), because the Plaintiff and Federal have complete diversity of citizenship and the amount in controversy exceeds \$75,000.

6. This Notice of Removal is being filed within thirty (30) days after Federal received notice of the Complaint and is thus timely filed under 28 U.S.C. § 1446(b).

7. A copy of this Notice of Removal will be filed with the Clerk of the Chancery Court for Shelby County, Tennessee, and served upon the Plaintiff's counsel in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Federal prays that the above action now pending in the Chancery Court for Shelby County, Tennessee be removed to this District Court, and for all other relief that this Court deems just and proper.

Respectfully submitted,

**MANIER & HEROD,
A TENNESSEE PROFESSIONAL CORPORATION**

s/ Jeffrey S. Price

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via first class U.S. Mail to the following on this 13th day of February, 2008.

John S. Golwen, Esq.
William G. Whitman, Esq.
Bass Berry & Sims
100 Peabody Place, Suite 900
Memphis TN 38103

s/ Jeffrey S. Price

Jeffrey S. Price